

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-20 are pending in the application.

**Information Disclosure Statement**

The Office requests a copy of the Patent application with express mail label EU990163769US. A copy is supplied with this Response.

**Specification**

The abstract is amended according to the Examiner's suggestion.

**35 U.S.C. §112**

Claims 10 and 11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. These claims are amended to more particularly point out and distinctly claim the invention, and thereby obviate the rejection.

**35 U.S.C. §102**

Claims 1 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,470,642 to Ready (hereinafter "Ready"). Applicant respectfully traverses the rejection.

Claim 1 is amended to more clearly define the pipe holder. It is reproduced below for convenience.

1. A pipe holder, comprising:
  - a body member having a first end and a second end, wherein the body member defines an opening proximate the first end of the body member; and
  - a support member extending away from the body member at a point intermediate of the first end and the second end.

Ready fails to disclose this structure. Ready describes a clamp capable of supporting a pipe 29 (Fig. 4). The Office identifies the body member as defining an opening 28 and a support member 23. Notice that the support member 23 is not "extending away from the body member at a point intermediate of the first end and the second end" as now defined in claim 1. Accordingly, claim 1 is allowable over Ready. Applicant respectfully requests withdrawal of the § 102 rejection of claim 1 over Ready.

**Claim 12** is allowable over Ready by virtue of its dependency on claim 1.

Claims 1-2 and 4-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,185,418 to Appleton (hereinafter "Appleton"). Applicant respectfully traverses the rejection.

Appleton fails to show the pipe holder recited in claim 1. Appleton discloses a hanger for pipe and other conduit. The hanger consists of a clamp member bolted to a C-shaped member 26. Notice that the upper support arm of member 26 in Fig. 2 (which the Office identifies as the "support member") is not "extending away from the body member at a point intermediate of the first end and the second end" as defined in claim 1.

For these reasons, claim 1 is patentable over Appleton, and the §102 rejection of claim 1 should be withdrawn.

Claims 2 and 4-11 are allowable over Appleton by virtue of their dependency on claim 1.

Claims 13-18 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,692,719 to Maloney (hereinafter "Maloney").

Claims 13 and 20 are amended to more clearly define the pipe holder component of the ladder. As amended, claim 13 recites a pipe holder having a body member and a support member, where the support member extends "approximately perpendicularly from the body member at a point intermediate of the first end and the second end." As amended, claim 20 recites a pipe holder having a body member and a support member, where the support member extends "away from the body member at a point approximately midway between the first end and the second end."

Maloney does not disclose the ladders defined in claims 13 and 20. Maloney describes a fire nozzle holder. It has a platform 10 for supporting the fire nozzle, and support arms 14 that project in approximately the same plane as the platform to support the platform. The support arms 14 converge to a point at one end of the platform 10.

Maloney does not disclose a "pipe holder" having a body member with first and second ends and a support member that extends "approximately perpendicularly from the body member at a point intermediate of the first end and the second end" as recited in claim 13. Moreover, Maloney does not show a "pipe holder" having a body member and a support member that extends "away from the body member at a point approximately midway between the first end and the second end" as recited in claim 20.

For these reasons, Maloney does not anticipate claims 13 and 20. Applicant respectfully requests that the § 102 rejection of claims 13 and 20 be withdrawn.

**Claims 14-18** are allowable over Maloney by virtue of their dependency on claim 13.

**35 U.S.C. §103**

Claim 3 stands rejected 35 U.S.C. § 103(a) as being unpatentable over Appleton. Applicant respectfully traverses the rejection.

Claim 3 depends from claim 1 and hence incorporates the elements of claim 1. Accordingly, claim 3 defines a pipe holder having a body member with “a first end and a second end” and a support member “extending away from the body member at a point intermediate of the first end and the second end.”

Appleton does not teach or suggest this structure. Appleton’s pipe hanger has a member 26 that is disposed at one distal end, away from the opening defined by bowed portions 15 and 16 (assuming that is the “body member” as applied by the Office). Thus, Appleton fails to teach a support member “extending away from the body member at a point intermediate of the first end and the second end” as in claim 3.

For this reason, claim 3 is allowable over Appleton. Applicant respectfully requests that the § 103 rejection of claim 3 be withdrawn.

Claim 19 is rejected 35 U.S.C. § 103(a) as being unpatentable over Maloney. Applicant respectfully traverses the rejection.

Claim 19 depends from claim 13 and hence incorporates the elements of claim 13. Accordingly, claim 19 defines a ladder with a pipe holder having a body member and a support member, where the support member extends “approximately perpendicularly from the body member at a point intermediate of the first end and the second end.”

Maloney does not teach or suggest the claimed ladder. More particularly, Maloney's fiver nozzle holder has support arms 14 that project out from the platform 10 approximately in line with the platform 10, and not "approximately perpendicularly from the body member at a point intermediate of the first end and the second end" as recited in the claim.

For this reason, claim 19 is allowable over Maloney. Applicant respectfully requests that the § 103 rejection of claim 19 be withdrawn.

### **Conclusion**

Claims 1-20 are in condition for allowance. Applicant respectfully requests prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue.**

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Respectfully submitted,

By: 

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